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Attorney for Defendant  
FERNANDO GUTIERREZ

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO GUTIERREZ,

Defendant.

NO. CR-03-0201-WFN

MOTION TO DISMISS MULTIPLICITOUS  
INDICTMENT AND/OR REQUIRE  
ELECTION BY THE GOVERNMENT

COMES NOW, the defendant, Fernando Gutierrez, through his attorney, Ken Therrien, and moves the court for an order dismissing the multiplicitous Indictment and/or requiring election by the Government.

THIS MOTION is based upon the record and file in this cause and upon the legal authorities cited in the Memorandum in support of this motion.

DATED this 6<sup>th</sup> day of June, 2005.

s/ Ken Therrien  
KEN THERRIEN, WSBA #20291  
Attorney for Fernando Gutierrez

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5 I hereby certify under penalty of perjury of the laws of the State of Washington that on June 6,  
6 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System  
7 which will send notification of such filing to the following: TOM HOPKINS, Assistant United States  
8 Attorney.

9 /s/ Ken Therrien  
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11 Attorney for Fernando Gutierrez  
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